

REMARKS

Claims 1-14 are all the claims pending in the application. By this amendment, new independent claim 8 and new dependent claims 9-14 have been added. Therefore, claims 1 and 8 are independent claims.

As an initial matter, the Examiner did not list *newly cited* Kemp et al. (US 6,253,815) on a PTO-892 form. Applicant respectfully requests the Examiner to list Kemp in a PTO-892 form.

Claim Rejections Under 35 U.S.C. § 112

Claims 1-7 are rejected under 35 U.S.C. § 112, second paragraph.

As an initial matter, the Examiner asserts that the phrase “tops and bottoms continue with each other” in claims 1 and 3 is awkward and confusing. In response, Applicant has amended claims 1 and 3 to instead recite --interconnected tops and bottoms--, as shown in the attached Appendix. That is, as shown in, for example, the *exemplary* embodiments of FIGS. 3, 6, and 7, the bottoms and tops of the decorative portions 15 are interconnected, or continuous.

With respect to dependent claim 2, the Examiner has asserted that there is no antecedent for joined portions *of the protruding portions*. Therefore, Applicant has amended dependent claim 2 to instead merely recite joined portions. For example, the *exemplary* embodiment of FIG. 6 shows the decorative portion 15, display portions 17 (i.e., protruding portions), and bottoms 19 of the joined portions.

With respect to dependent claim 4, the Examiner asserts that the claim is inconsistent with the last two lines of claim 3 since claim 3 requires that the flat portions are provided between the protruding portions and the decorative portion, while claim 4 references flat portions

provided between protruding portion. In response, Applicant has amended claim 3 to recite that the flat portion is provided *between the protruding portions*.

With respect to claim 7, Applicant has amended this claim to instead depend from only claims 1 and 2.

In view of the amendments and comments discussed above, Applicant respectfully requests the Examiner to withdraw the §112 rejections.

Claim Rejection Under 35 U.S.C. § 102

Claims 1 and 3 are rejected under 35 U.S.C. § 102(b) as being anticipated by *newly cited* Kemp et al. (US 6,253,815).

Claim 1

Applicant has amended independent claim 1 to recite that the tire includes a decorative portion with tops *protruding higher than a level of the sidewall* on which the decorative protruding portion is arranged *of the tire*. This amendment is fully supported, for example, by the *exemplary* embodiments shown in FIGS. 3, 6, and 7 in which the decorative portion 15 protrudes higher than a level of the sidewall.

Applicant respectfully requests the Examiner to withdraw the rejection of independent claim 1 at least because Kemp does not disclose all of the recitations of claim 1. For example, Kemp does not disclose the claimed tire with a decorative portion including interconnected tops and bottoms, the tops of the decorative portion protruding higher than a level of the sidewall.

That is, the Examiner asserts that Kemp's decorative band area 955 of the tire 910 that includes striae 953 corresponds to the recited "decorative portion."¹ However, there is no disclosure in Kemp that this decorative band area 955 protrudes higher than a level of the sidewall of the tire. Instead, the tops of this decorative band area 955 appear to be even with the sidewall level of the tire.

Therefore, Applicant respectfully requests the Examiner to withdraw the §102 rejection of claim 1.

Claim 3

Applicant has also amended independent claim 3 to recite that the tire includes a decorative portion with tops *protruding higher than a level of the sidewall* on which the decorative protruding portion is arranged. Applicant respectfully requests the Examiner to withdraw the rejection of independent claim 3 at least because Kemp does not disclose all of the recitations of claim 3.

For example, Kemp does not disclose the claimed tire with a decorative portion including interconnected tops and bottoms, the decorative portion protruding higher than a level of the sidewall of the tire. As discussed above with respect to claim 1, the tops of the decorative band area 955 of Kemp appear to be even with the sidewall level of the tire.

Claim Rejections Under 35 U.S.C. § 103

Claims 2 and 7/2 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kemp in view of *newly cited* Roberts et al. (US 4,198,774).

¹ See Office Action at page 4- reproduction of Kemp's FIG. 2.

Claims 7/1 and 7/3 are rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Kemp.

Claims 5, 6, 7/5 and 7/6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kemp in view of JP 2000-255224, and optionally Ratliff, Jr. (US 5,807,446).

With respect to dependent claims 2, and 5-7, Applicant respectfully requests the Examiner to withdraw these rejections at least because of their dependency from claim 1 or claim 3.

Moreover, with respect to claims 2 and 7/2, Applicant respectfully submits that Roberts, which the Examiner asserts as showing a high decorative portion, does not cure the deficiencies in Kemp discussed above.

Finally, with respect to claims 5 and 6, Applicant respectfully submits that neither JP 2000-255224 nor Ratliff, Jr., which the Examiner asserts as showing a corner region connecting the flat portions and each protruding portion that is a round portion, does not cure the deficiencies in Kemp discussed above.

New Claim

In order to provide additional subject matter, Applicant has added new claims 9-14.

Independent Claim 8 recites that joined portions join the protruding portions, bottoms of the joined portions are higher than the bottoms of the decorative portion, and tops of the joined portions are lower than the protruding portions. Applicant respectfully submits that independent claim 8 is patentable at least because Kemp does not disclose all of the recitations of claim 8. For example, as discussed above with respect to claim 1, Kemp does not disclose the claimed tire

with a decorative portion including interconnected tops and bottoms, the tops of the decorative portion protruding higher than a level of the sidewall.

New dependent claims 9-14 have been added in order to provide additional claimed subject matter. Applicant respectfully submits that these claims are patentable at least because of their dependency from claim 1, claim 3, or claim 8.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/John M. Bird/

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: September 20, 2007

John M. Bird
Registration No. 46,027